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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/858,396	05/16/2001	Jonathon Y. Cheah	11415/29201	3430

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Jonathon Y. Cheah
10676 Gracewood Place
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EXAMINER

FOWLKES, ANDRE R

ART UNIT PAPER NUMBER

2122

DATE MAILED: 06/29/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/858,396

Applicant(s)

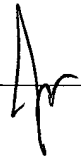
CHEAH ET AL.

Examiner

Andre R. Fowlkes

Art Unit

2122



-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 8/16/01.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-41 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-41 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 8/16/01.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

1. Claims 1-41 are pending.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claims 1-4, 13-17, 19-21, and 30-31 are rejected under 35 U.S.C. 102(b) as being anticipated by Goldberg, U.S. Patent no. 4,607,332.

As per claim 1, Goldberg discloses:

- **reading a random access memory to determine a location of data** (col. 1: 64 – col. 2: 4, "searches a RAM-located data structure ... the location of the replacement routine (i.e. data) is also found in the (RAM-located) data structure"),
- **reading a nonvolatile reprogrammable memory, if said data is located in said nonvolatile reprogrammable memory** (col. 2: 2-4 "the processing routine effects a transfer to the replacement routine (i.e. data, located in nonvolatile reprogrammable memory)"),
- **reading a read only memory, if said data is not located in said nonvolatile reprogrammable memory** (col. 1:64-68, "If there exists a correspondence between

information passed on the call to the processing routine and certain elements of the data structure, a RAM based program is substituted for the ROM based program, (otherwise, the ROM based program is read)'),

- wherein said nonvolatile reprogrammable memory contains updated data corresponding to fixed data contained in said read only memory, said data thus provided to said electronic device being most recent data (col. 1:7-11, "This invention relates ... to a method of dynamically altering firmware programs (with updated data, corresponding to fixed data) during execution of theses programs").

As per claim 2, the rejection of claim 1 is incorporated and further, Goldberg discloses that **said random access memory is nonvolatile** (col. 1:53, "systems employing (nonvolatile or volatile) RAM").

As per claim 3, the rejection of claim 1 is incorporated and further, Goldberg discloses that **said nonvolatile reprogrammable memory contains the respective locations of said fixed data and said corresponding updated data** (col. 1: 64 – col. 2: 4, "searches a RAM-located data structure (for the respective locations of said fixed data and said corresponding updated data)").

As per claim 4, the rejection of claim 3 is incorporated and further, Goldberg discloses that **said random access memory is volatile, said method further comprising the steps of: reading said nonvolatile reprogrammable memory to**

determine said respective locations; and updating said random access memory with said respective locations (col. 1:53 , "systems employing (nonvolatile or volatile) RAM", when volatile RAM is used, the data structure, containing the locations of the updated code, is transferred between nonvolatile reprogrammable memory and RAM).

As per claim 13, Goldberg discloses:

- creating a read only memory containing a first set of software modules; storing in a nonvolatile reprogrammable memory a second set of software modules, at least one module in said second set corresponding to a module in said first set (col. 1:7-11 , "This invention relates ... to a method of dynamically altering firmware programs (i.e. a 1st set of software modules located on a ROM) (with a 2nd set of software modules, corresponding to fixed data) during execution of theses programs").

- storing in a random access memory location information corresponding to said modules in said first and second sets (col. 1: 64 – col. 2: 4, "searches a RAM-located data structure (for the respective locations of the 1st and 2nd sets of modules)").

- storing in said random access memory a sequence of execution of selected ones of said modules in said first and second sets (col. 1: 64 – col. 2: 4, "searches a RAM-located data structure (for the respective locations of the 1st and 2nd sets of modules)" and the 2nd (i.e. updated) set of modules can contain calls to execute a sequence of modules).

As per claim 14, the rejection of claim 13 is incorporated and further, Goldberg discloses that **at least one module in said second set is an updated version of the corresponding module in said first set, said at least one module in said second set correcting an error in said corresponding module in said first set** (col. 1:7-25 , "This invention relates ... to a method of dynamically altering firmware programs (i.e. a 1st set of software modules located on a ROM) (with a 2nd set of software modules, corresponding to errors in the 1st set of software modules)").

As per claims 15-17, Goldberg also discloses such claimed limitations as addressed in claims 2, 13, and 4 above, respectively.

As per claims 19-21 , Goldberg also discloses such claimed limitations as addressed in claims 1, 2 and 4 above.

As per claims 30 & 31, Goldberg also discloses such claimed limitations as addressed in claim 1, above.

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the

invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 5, 6, 18, 22-24 and 32-36 are rejected under 35 U.S.C. 103(a) as being unpatentable over Goldberg U.S. Patent No. 4,607,332 in view of Maebayashi et al. (Maebayashi) U.S. Patent No. 5,450,589.

As per claim 5, the rejection of claim 1 is incorporated and further, Goldberg doesn't explicitly disclose **displaying at least one of said fixed data and said updated data so as to allow said at least one of said fixed data and said updated data thus displayed to be modified; and storing the thus modified data in said nonvolatile reprogrammable memory as updated data.**

However, Maebayashi, in an analogous environment, discloses **displaying at least one of said fixed data and said updated data so as to allow said at least one of said fixed data and said updated data thus displayed to be modified; and storing the thus modified data in said nonvolatile reprogrammable memory as updated data** (col. 1:65-68, "a fixed program data storing unit for storing (and displaying) fixed program data; a modification data storing unit for storing (and displaying) modification data (i.e. update data)", and col. 7:13-14, the system can "write (the updated) data in EEPROM").

Therefore, it would have been obvious to a person of ordinary skill in the art, at the time the invention was made, to incorporate the teachings of Maebayashi into the system of Goldberg to have a the fixed and updated data displayed to be modified. The

modification would have been obvious because one of ordinary skill in the art would have wanted to view the proposed modifications to confirm that they are desired.

As per claim 6, the rejection of claim 1 is incorporated and further, Goldberg doesn't explicitly disclose that **said nonvolatile reprogrammable memory is selected from the group consisting of: a flash memory; and an electrically erasable programmable read-only memory.**

However, Maebayashi, in an analogous environment, discloses that **said nonvolatile reprogrammable memory is selected from the group consisting of: a flash memory; and an electrically erasable programmable read-only memory** (col. 7:13-14, the system can "write modification data in EEPROM (or flash memory)").

Therefore, it would have been obvious to a person of ordinary skill in the art, at the time the invention was made, to incorporate the teachings of Maebayashi into the system of Goldberg to have the nonvolatile reprogrammable memory selected from either flash memory or EEPROM. The modification would have been obvious because one of ordinary skill in the art would want the option of selecting the most appropriate the nonvolatile reprogrammable memory for each occasion.

As per claims 18, 22-24 and 32-36 Goldberg in view of Maebayashi also discloses such claimed limitations as addressed in claims 5 & 6 above.

6. Claims 7-12 & 25-28 are rejected under 35 U.S.C. 103(a) as being unpatentable over Goldberg, U.S. Patent no. 4,607,332 in view of Cole, U.S. Patent no. 6,074,434.

As per claim 7, Goldberg discloses **reading a random access memory to select an updated version of data stored in a nonvolatile reprogrammable memory and a read only memory, reading said updated version from said memory, and providing said updated version to said electronic device** (col. 1: 64 – col. 2: 4, “searches a RAM-located data structure ... the location of the replacement routine is also found in the (RAM-located) data structure”, and col. 2: 2-4 “the processing routine effects a transfer to the replacement routine (located in nonvolatile reprogrammable memory)”).

Goldberg doesn't explicitly disclose reading a memory to select a desired version of said data **from among a plurality of versions of said data** stored in a memory.

However, Cole, in an analogous environment, discloses reading a memory to select a desired version of said data **from among a plurality of versions of said data** stored in a memory (col. 2: 7-18, “a list of code updates (is read from a memory, and) ... a user ... may select from the list),

Therefore, it would have been obvious to a person of ordinary skill in the art, at the time the invention was made, to incorporate the teachings of Cole into the system of Goldberg to have the user select from a plurality of versions of data. The modification would have been obvious because one of ordinary skill in the art would have wanted the ability to conveniently select a desirable data update version (Cole, col. 1:46-60).

As per claim 8, Goldberg also discloses such claimed limitations as addressed in claim 2 above.

As per claim 9, the rejection of claim 7 is incorporated and further, Goldberg discloses that **said nonvolatile reprogrammable memory contains respective locations of said plurality of versions** (col. 1: 64 – col. 2: 4, “searches a RAM-located data structure (for the respective locations of said fixed data and said corresponding updated versions)”).

As per claims 10-12, Goldberg also discloses such claimed limitations as addressed in claims 4, 9 and 6, above respectively.

As per claims 25-28, Goldberg in view of Cole also discloses such claimed limitations as addressed in claims 9, 2, 4 and 6 above, respectively.

7. Claims 37-41 are rejected under 35 U.S.C. 103(a) as being unpatentable over Goldberg U.S. Patent No. 4,0607,332 in view of Schurecht et al. (Schurecht) U.S. Patent No. 6,260,157.

As per claim 37, the rejection of claim 36 is incorporated and further, Goldberg doesn't explicitly disclose a **second data link for communicating with a communications service provider**.

However, Schurecht, in an analogous environment discloses a **second data link for communicating with a communications service provider** (col. 2:2, "a cellular telephone handset", and described further in reference to figure 1 in col. 3:65 – col. 5:42).

Therefore, it would have been obvious to a person of ordinary skill in the art, at the time the invention was made, to incorporate the teachings of Schurecht into the system of Goldberg to have a data link for communicating with a communications service provider. The modification would have been obvious because one of ordinary skill in the art would have wanted to allow for bugs in the released code to be fixed/upgraded, via a wireless data link, without having to physically recall the product, (Schurecht, col. 2:32-48).

As per claim 38, the rejection of claim 37 is incorporated and further, Goldberg discloses **providing said updated data to said nonvolatile reprogrammable memory** (col. 2: 2-4 "the processing routine effects a transfer to the replacement routine (located in nonvolatile reprogrammable memory)").

Goldberg doesn't explicitly disclose that **the communications service provider is adapted to communicate with said base microprocessor via said second data link to provide said updated data to said nonvolatile reprogrammable memory**.

However, Schurecht, in an analogous environment discloses that the **communications service provider is adapted to communicate with said base microprocessor via said second data link** to provide said updated data to said nonvolatile reprogrammable memory (col. 2:2, "a cellular telephone handset", and described further in reference to figure 1 in col. 3:65 – col. 5:42).

Therefore, it would have been obvious to a person of ordinary skill in the art, at the time the invention was made, to incorporate the teachings of Schurecht into the system of Goldberg to have **the communications service provider adapted to communicate with said base microprocessor via said second data link** to provide said updated data to said nonvolatile reprogrammable memory. The modification would have been obvious because one of ordinary skill in the art would have wanted to allow for bugs in the released code to be fixed/upgraded, via a wireless data link, without having to physically recall the product, (Schurecht, col. 2:32-48).

As per claim 39, this is a product version of the claimed system discussed above in claim 38, wherein all claimed limitations also have been addressed above and such a product is deemed to be inherent in the Goldberg/Schurecht system, otherwise it would be inoperative.

As per claims 40 and 41, Goldberg also discloses such claimed limitations as addressed in claim 1, above.

Conclusion

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Andre R. Fowlkes whose telephone number is (703)305-8889. The examiner can normally be reached on Monday - Friday, 8:00am-4:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Tuan Q. Dam can be reached on (703)305-4552. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

ARF


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PRIMARY PATENT EXAMINER